

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

In the Matter of	)
	)
Revision of the Commission's Rules	) CC Docket 94-102
to Ensure Compatibility with Enhanced	)
911 Emergency Calling Systems	)

**COMMENTS OF APCO**  
**REGARDING THE STATUS OF STATE ACTIONS TO ACHIEVE EFFECTIVE**  
**DEPLOYMENT OF E9-1-1 CAPABILITIES**  
**FOR MULTI-LINE TELEPHONE SYSTEMS**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Public Notice*, DA 04-3874 (released December 10, 2004) seeking information regarding the status of state actions to achieve effective deployment of E9-1-1 capabilities for multi-line telephone systems (“MLTS”).

APCO is the nation’s oldest and largest public safety communications organization. Founded in 1935, APCO has 17,000 members, most of whom are state or local government personnel who manage and operate communications systems for police, fire, EMS and other public safety agencies. APCO has been an active participant throughout this proceeding, focusing on the operational requirements of Public Safety Answering Points (“PSAP”) and emergency personnel to respond quickly and accurately to 9-1-1 calls.

It has been nearly eleven years since the Commission first sought comment in this proceeding regarding E9-1-1 capability for MLTS. In the intervening years, the underlying problem has not gone away. Countless business, educational, and residential

phone systems across the nation continue to operate without the ability to identify the specific location from which a 9-1-1 call is placed. This absence of E9-1-1 capability creates life-threatening delays for emergency responses, especially where an MLTS provides service to widely dispersed locations. Without accurate E9-1-1 capability, first responders could be dispatched to the wrong address or to a large building with little clue as to the precise location of the emergency. As APCO previously noted, “bank branches are often on a common PBX, with the home office address/call-back number being the only information that is delivered to the PSAP with a 9-1-1 call from any branch” and “many schools districts, corporate campuses, large office buildings, hotels, and apartment buildings are at similar risk.”<sup>1</sup>

Technical solutions to the MLTS problem exist, and have been offered by multiple equipment vendors for many years. However, without effective regulation, far too many MLTS installations, including those serving the elderly, students, and unsuspecting members of the public, will remain without effective E9-1-1 service.

At least until now, the Commission has declined to adopt E9-1-1 regulations for MLTS. Instead, the Commission has chosen to give the states an opportunity to pass their own laws in that regard.<sup>2</sup> The Commission took this approach with some trepidation, however, as reflected in the commissioners’ separate statements expressing particular concern with E9-1-1 access for MLTS.<sup>3</sup> The FCC did commend the model

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<sup>1</sup> Comments of APCO in Response to Second Further Notice of Proposed Rulemaking, CC Docket 94-102, filed May 29, 2004, at 3.

<sup>2</sup> *Report and Order and Second Further Notice of Proposed Rulemaking*, 18 FCC Rcd 25340, 25365 (2003).

<sup>3</sup> See, e.g., Separate Statement of Chairman Michael K. Powell (“I am particularly concerned about E911 access for MLTS operators...the Commission will closely monitor this situation....”), Separate Statement of Commissioner Michael J. Copps (“The responsibilities of multi-line telephone system operations are of

legislation proposed by APCO and the National Emergency Number Association (NENA), but otherwise left it to the states to determine whether to adopt that model or any legislation. Now, through the *Public Notice*, the Commission is soliciting comment on the status of state regulation to determine if Commission action is necessary. APCO firmly believes that the only way to achieve nationwide E9-1-1 capability for MLTS is through effective FCC regulation.

Only a handful of states have enacted some form of E9-1-1 legislation for MLTS, despite several years of debate, and encouragement from the FCC, public safety organizations and others.<sup>4</sup> Over the last several months, APCO has conducted an informal survey of its members from across the nation to identify problems with enacting new laws and the effectiveness of legislation where it has passed. APCO has also sought general comment regarding the need for FCC regulation. The following briefly summarizes the responses that APCO received.

Virtually all APCO members responding, including those from states that have passed legislation, agree that a national approach is necessary. Most concur that the APCO-NENA model legislation is a good model, but that relying solely on state legislation is a mistake. That being said, the MLTS laws passed in some states appear to leave certain critical issues unanswered, provide loopholes for non-compliance, or lack effective enforcement.

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particular concern for me...this may well be a place for more federal action.”), Separate Statement of Commissioner Kevin J. Martin (I am disappointed, however, in our treatment of multi-line telephone systems....today the Commission acknowledges that the lack of effective implementation of MLTS E911 may be an unacceptable gap in the emergency call system...many Americans dialing 911 from an MLTS have faced an unacceptable level of protection.”), Separate Statement of Commissioner Jonathan S. Adelstein (I do have lingering concerns that our actions today with regard to ...MLTS...just are not enough...I am fully prepared to intervene should we not see the timely adoption of [state legislation]”).

<sup>4</sup> See [http://www.apcointl.org/about/pbx/documents/E911\\_chart.doc](http://www.apcointl.org/about/pbx/documents/E911_chart.doc).

For example, Florida's legislation requires all MLTS installed after January 1, 2004, to be "enabled" to present automatic location information (ALI) to the relevant PSAP. According to some APCO members in Florida, certain business entities are interpreting this provision as only requiring that systems be *enabled* to deliver ALI, not that systems actually *deliver* ALI. In Minnesota, the law follows the basic provisions of the APCO-NENA model legislation, but with several important exceptions, including a provision that exempts college dormitory rooms from otherwise applicable residential MLTS requirements. Another limiting factor with many state laws is the lack of meaningful enforcement provisions. Often, the only apparent incentive to comply is the perceived fear of litigation from those who may be injured on the premises of the MLTS owner. While fire marshals or inspectors sometimes encourage compliance, they generally lack relevant enforcement powers.

State MLTS legislation has failed to gain momentum in some states due to opposition from certain business, educational, and even some governmental organizations. One of the reasons is the perceived cost. Unfortunately, cost-related fears are fueled by the extreme variation in costs imposed by local exchange carriers. An incumbent local exchange carrier (ILEC) or competitive LEC (CLEC) will typically charge the end-user customer a fee for setting up its E-911 data on the basis of a direct inward dial (DID) number. Additionally, the end-user customer will be charged a monthly fee to store the public switch ALI (PS/ALI) data records in the E9-1-1 system.

Costs involved in implementing E9-1-1 for MLTS vary widely from one ILEC and/or region to another. Sometimes the varied charges can even involve the same company, depending on the geographic location of the MLTS installation. For example,

in one part of the country, a small business user with 300 DID numbers is required to pay the serving ILEC a one-time charge of \$143.00, and an ongoing recurring fee of \$118.00 to maintain the E9-1-1 database (unlimited number of records). An identical end-user with 300 DIDs in another part of the country, *served by the same ILEC*, will pay \$4,750.00 for the onetime charge and \$89.00 (301-500 records) for the recurring fee.<sup>5</sup>

Perceived costs, industry objections, legislative inertia, and inconsistent application and interpretation of the APCO-NENA model legislation, continue to exclude the vast majority of Americans from the benefits of E9-1-1 capability when using MLTS at home, school, or in the workplace. Yet, the model legislation is even-handed and avoids unnecessary or overly burdensome application. For example, MLTS serving smaller, well-defined locations are exempt, as emergencies are easier to find in such environments. Similarly, the impact on installed MLTS is limited, again to defer premature system upgrades in most situations.

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<sup>5</sup> Another, similar example is a medium sized business with 2,500 DIDs. In one part of the country a user with 2500 DIDs is required to pay the serving ILEC a onetime charge of \$143.00 and is required to pay an ongoing recurring fee of \$118.00 (unlimited number of records). An identical end-user with 2500 DIDs in another part of the country will pay \$7,250.00 for the onetime charge and \$187.50 (\$0.075/record 2000-3500 records) for the recurring fee.

## **CONCLUSION**

APCO believes that continued deference to state-regulation will leave the nation with a patchwork of inconsistent treatment of MLTS, with most states adopting no legislation or ineffective legislation. Therefore, APCO reiterates its request, first made over ten years ago, that the FCC adopt meaningful federal regulation to ensure that 9-1-1 calls from MLTS will provide E9-1-1 to the extent necessary to provide rapid and accurate emergency responses.

Respectfully submitted,

/s/

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